

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA**

KASRA REZAEI,



*Petitioner*

**v.**

DONALD J. TRUMP, in his official capacity )  
as President of the United States; KRISTI )  
NOEM, U.S. Secretary of Homeland )  
Security; PAMELA BONDI, U.S. Attorney )  
General, TODD M. LYONS, in his official )  
capacity as Acting Director, U.S. Immigration )  
and Customs Enforcement; GARRETT RIPA, )  
in his official capacity as Assistant Field )  
Officer in charge of Miami Field Office; )  
LOUIS A. QUINONES, JR., Chief, Orange )  
County Corrections Department, )

*Respondents*

Case No. 6:25-cv-1140

**AMENDED PETITION FOR WRIT OF  
HABEAS CORPUS PURSUANT TO 28  
U.S.C. § 2241**

**INTRODUCTION**

1. In this petition for a writ of habeas corpus, Petitioner Kasra Rezaei, a native and citizen of Iran, challenges his immigration arrest and detention.
2. On June 25, 2025, Petitioner was in the middle of his hearing in immigration court when Department of Homeland Security (“DHS”) Immigration and Customs Enforcement (“ICE”) agents entered the courtroom, interrupted the hearing, and took Mr. Rezaei into immigration custody.
3. Mr. Rezaei is currently held at Orange County Correctional Facility. Mr. Rezaei is not subject to either a final order of removal or an expedited order of removal. His proceedings before the Executive Office for Immigration Review could not be completed.

4. Mr. Rezaee's detention without a warrant and his continued detention without the opportunity to challenge the arrest or detention violates his constitutional due process rights.
5. Mr. Rezaee requests an order finding that he was unlawfully detained and order his release or, in the alternative, an order requiring a bond hearing before a neutral arbiter.
6. Mr. Rezaee also asks, through a separately filed motion for a preliminary injunction and temporary restraining order for an order precluding Respondents from transferring him outside of this district.

#### **JURISDICTION AND VENUE**

6. This action arises under the Suspension Clause, the Due Process Clause of the Fifth Amendment, and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq.
7. This Court has subject-matter jurisdiction under U.S. CONST. art. I, § 9, cl. 2 (Suspension Clause), 28 U.S.C. § 1331 (federal question), and 28 U.S.C. § 2241 (habeas corpus), as Petitioner is presently held in custody under or by color of the authority of the United States. Petitioner's detention by Respondents is a "severe restraint" on his individual liberty "in custody in violation of the . . . laws . . . of the United States." *See Hensley v. Municipal Court, San Jose-Milpitas Jud. Dist.*, 411 U.S. 345, 351 (1973).
8. This Court has jurisdiction to hear habeas corpus claims by non-citizens challenging the lawfulness or constitutionality of their detention by U.S. immigration officials. *See, e.g., Jennings v. Rodriguez*, 138 S. Ct. 830, 841 (2018); *Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).
9. Venue is proper because Petitioner resides in and was detained in the Middle District of Florida.

**PARTIES**

10. Petitioner, Kasra Rezaee, is a native and citizen of Iran. He resides in Jacksonville, Florida.
11. Respondent Donald Trump is President of the United States.
12. Respondent Kristi Noem is the U.S. Secretary of Homeland Security.
13. Respondent Pamela Bondi is the U.S. Attorney General.
14. Respondent Todd Lyons is the Acting Director for U.S. Immigration and Customs Enforcement.
15. Respondent Garrett Ripa is the Field Office Director in charge of the Miami Field Office.
16. Respondent Louis A. Quinones, Jr., is the Chief of the Orange County Corrections Department and the supervisory official in charge of the facility where Mr. Rezaee is held.
17. All Respondents are named in their official capacities.

**RELEVANT FACTS**

18. In February 2023, Mr. Rezaee entered the United States and was apprehended by DHS. After DHS found he had a credible fear of persecution or torture, DHS initiated removal proceedings against Mr. Rezaee, charging him as removable under 8 U.S.C. § 1182(a)(6)(A)(i).
19. Mr. Rezaee was paroled from DHS custody shortly after his arrival in the United States and he has been living and working lawfully in the United States since that time. He has no criminal history.
20. At an initial hearing in immigration court, an immigration judge found Mr. Rezaee removable on that charge. He sought relief from removal and submitted hundreds of pages of evidence in support of his case.

21. At a subsequent June 25, 2025 hearing to determine his eligibility for relief from removal, ICE agents stormed into the immigration courtroom unannounced, interrupting Mr. Rezaee's direct testimony at his hearing.
22. The immigration court, which is housed in a component of the Department of Justice, and the immigration judge did not preclude ICE agents from entering the courtroom or interrupting the proceedings.
23. ICE agents did not allow the proceedings to continue and instead took Mr. Rezaee and his uncle into immigration detention without explanation.
24. The immigration judge did not order DHS to return Mr. Rezaee to court to complete his testimony and hearing.
25. DHS released Mr. Rezaee's uncle on the same day but has not released Mr. Rezaee.
26. Mr. Rezaee immediately asked the immigration judge for a bond hearing. The immigration judge issued an order stating she did not have jurisdiction to consider bond because the judge did not know where Mr. Rezaee was detained, noting DHS had not yet filed a warrant for arrest nor had they made a custody determination indicating the basis for detention.
27. Upon information and belief, Mr. Rezaee has not been served with an arrest warrant or notice of custody determination as of the filing of this petition.

### **LEGAL BACKGROUND**

#### **Warrantless Arrests**

28. The Immigration and Nationality Act (INA) allows ICE officers to make warrantless arrests. 8 U.S.C. § 1357(a). However, this authority "is subject to the principles of the Fourth Amendment." *United States v. Vasquez-Ortiz*, 344 F. App'x 551, 554 (11th Cir.

2009). And the statute limits ICE's authority to make warrantless arrests to exigent circumstances. *See* 8 U.S.C. § 1357(a).

29. Specifically, the statute authorizes ICE to “arrest any alien who in [the officer’s] presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, expulsion, or removal of aliens.” 8 U.S.C. § 1357(a)(2).

30. The statute also allows the officer to “arrest any alien in the United States, if he has reason to believe that the alien so arrested is in the United States in violation of any such law or regulation *and is likely to escape before a warrant can be obtained for his arrest.*” *Id.*

31. The likelihood of escape requirement “is always seriously applied.” *United States v. Cantu*, 519 F.2d 494, 496-97 (7th Cir. 1975); *see also Diogo v. Holland*, 243 F.2d 571 (3d Cir. 1957).

32. Numerous courts, consistent with the plain language of the statute, have held that ICE exceeds its statutory authority under 8 U.S.C. § 1357(a) “without a determination that a suspected removable individual is likely to escape before a warrant can be obtained.” *Creedle v. Miami-Dade Cty.*, 349 F. Supp. 3d 1276, 1294-95 (S.D. Fla. 2018) (listing cases).

### **Immigration Detention**

33. There are three statutes that govern immigration detention: 8 U.S.C. §§ 1225(b), 1226, and 1231. As a general matter, § 1225(b) involves individuals who are subject to expedited removal proceedings, § 1226 applies to individuals in removal proceedings who do not have final orders of removal, and § 1231 applies to individuals who have final orders of removal.

34. For individuals who are subject to immigration detention under 8 U.S.C. § 1225(b), detention is required until removal proceedings conclude. 8 U.S.C. § 1225(b)(1)(B)(ii); *Matter of M-S-*, 27 I. & N. Dec. 509 (A.G. 2019). DHS may release the noncitizen on parole, but “when the purpose of the parole has been served,” the noncitizen “shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.” *Jennings*, 583 U.S. at 288 (quoting 8 U.S.C. § 1182(d)(5)(A)).
35. 8 U.S.C. § 1226 provide that noncriminal aliens “*may* be arrested and detained pending a decision on whether the alien is to be removed from the United States.” 8 U.S.C. § 1226(a). Individuals who are removable based on certain criminal and terrorist grounds are subject to mandatory detention. 8 U.S.C. § 1226(c).
36. Additionally, ICE has the authority to terminate or revoke a previously granted parole. 8 U.S.C. § 1182(d)(5)(A).
37. When parole is expired, terminated, or revoked, the agency must first make a determination that the purpose of the parole is no longer being served and that the noncitizen shall be returned to custody. 8 U.S.C. § 1182(d)(5)(A); *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 968 (N.D. Cal. 2019) (noting that “DHS re-arrests individuals only after a ‘material’ change in circumstances”); *Garcia v. Bondi*, 2025 U.S. Dist. LEXIS 113570, \*6 (N.D. Cal. June 14, 2025) (“individuals released from immigration custody on bond have a protectable liberty interest in remaining out of custody on bond.”) (collecting cases).

**CLAIMS FOR RELIEF**

**COUNT ONE**

**Petitioner's Detention Violates His Right to Substantive Due Process  
under the Fifth Amendment**

38. Petitioner hereby incorporates and re-alleges paragraphs 18 through 37 as if fully set forth herein.

39. On information and belief, Mr. Rezaee was arrested and has been detained by federal agents without cause and in violation of his constitutional rights to due process of law.

40. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. at 678, 690 (2001); *Reno v. Flores*, 507 U.S. 292, 306 (1993) ("It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings.").

41. All individuals within the United States, including noncitizens, are entitled to due process. *Zadvydas*, 533 U.S. at 693.

42. Mr. Rezaee does not have a final order and he is not in expedited removal proceedings.

43. DHS has not alleged that Mr. Rezaee has a criminal history that subjects him to mandatory detention.

44. DHS has not served Mr. Rezaee or his attorneys with an arrest warrant, a notice of revocation of parole, or any form of custody determination.

45. Mr. Rezaee is being held without any lawful authority and should be immediately released.

## COUNT TWO

### **Petitioner's Detention Exceeds ICE's Statutory Authority**

46. Petitioner hereby incorporates and re-alleges paragraphs 18 through 37 as if fully set forth herein

47. 8 U.S.C. § 1357(a) sets forth the limited circumstances under which ICE may detain a noncitizen without a warrant.

48. The statute authorizes ICE to “arrest any alien who in [the officer’s] presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, expulsion, or removal of aliens.” 8 U.S.C. § 1357(a)(2).

49. Mr. Rezaee was not observed entering or attempting to leave the United States. He was in an immigration courtroom in Orlando, Florida.

50. The statute also allows the officer to “arrest any alien in the United States, if he has reason to believe that the alien so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest.” 8 U.S.C. § 1357(a)(2).

51. There were no exigent circumstances indicating a likelihood of escape that would justify forgoing the warrant requirement and dragging Mr. Rezaee from his immigration hearing in the middle of his direct testimony.

52. ICE’s warrantless arrest of Mr. Rezaee exceeded its statutory authority.

### **PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter;



- (2) Order that Petitioner shall not be transferred outside the Middle District of Florida;
- (3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be immediately granted;
- (4) Declare that the Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately or, alternatively, requiring a bond hearing before a neutral arbiter; and
- (6) Grant any further relief this Court deems just and proper.

June 30, 2025

Respectfully submitted,

/s/ Jessica Dawgert

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